



318 - CV 1243 - G

Charles Epley <epleylegal@gmail.com>

Request that the PRO BONO CIVIL PANEL: (1) Petition the U.S. Department of Justice - Civil Rights Division, Criminal Section, to conduct an investigation of an illegal use of force at Montford, Lubbock; (2). Move the Federal Court in Lubbock to issue a PRELIMINARY INJUNCTION

Charles Epley <epleylegal@gmail.com>

To: txndml_probono@txnd.uscourts.gov

Cc: info@sheilajacksonlee18.com, info@algreen.org

Pro Bono Civil Panel

United States District Court - Northern District of Texas

1100 Commerce - Room 1452

Dallas, Texas 75242-1003

Dear attorney(s):

I feel compelled to, respectfully, ask for your assistance in petitioning the U.S. Department of Justice - Civil Rights Division to investigate the illegal use of force (shown in a video-recording - identified as MA-03534-06-16 Montford Unit - being suppressed by the Texas officials) and other Constitutional violations by the Texas prison officials at the Montford prison located in Lubbock, Texas.

Incidentally, the need for an investigation is highlighted by the fact that that the Texas prison officials have a comprehensive history of victimizing, abusing, brutalizing... the Texas prisoners, particularly when they are incarcerated in their psychiatric facilities, such as Montford.

Please read: <https://www.prisonlegalnews.org/news/2015/oct/28/violence-texas-prisons-tied-mental-illness>

Briefly, the following facts: After twenty-eight (28) years of debilitating and punishing incarceration, I was released in February of 2018. Per the attached medical records, I sustained a Traumatic Brain Injury (TBI) and a Post-Traumatic Stress Disorder (PTSD) inside the Texas prison system. In June of 2016 and at the Montford Psychiatric Prison, I was illegally brutalized and severely harmed by six Texas prison officials. I continue to suffer from these injuries.

Per the attachments, the Texas officials continue to conceal the video-recording of the egregious and illegal acts to prevent being held liable. An investigation conducted by the U.S. Department of Justice - Civil Rights Division would force the Texas officials to release the video-recordings - before the Texas officials destroy it - and other evidences of their illegal acts.

I believe that there are clear and convincing evidences that the Texas prison officials violated the following federal civil rights statutes:

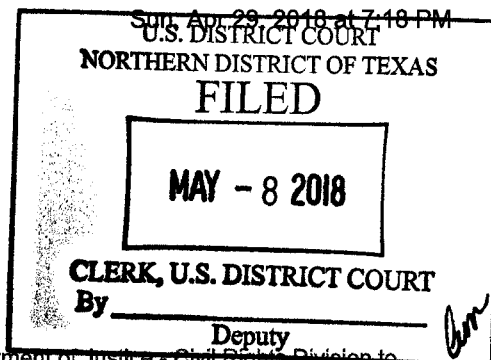
- A. Title 18, U.S.C., Section 249 - Hate Crimes Prevention Act;
- B. Title 18, U.S.C., Section 241 - Conspiracy Against Rights;
- C. Title 18, U.S.C., Section 242 - Deprivation of Rights Under Color of Law.

It is my experience that the Montford prison officials named in the attachments willfully combined, conspired, and agreed with one another and with co-conspirators known and unknown to me that they would, while acting under color of law, injure, oppress, threaten, and intimidate me in my free exercise and enjoyment of the right, secured and protected by the Constitution of the United States, not to be subjected to cruel and unusual punishment by one acting under color of law.

Further, I believe that it was part of the manner and means of the conspiracy that the Montford prison officials, identified in the attachments, would unjustifiably brutalize me while I was laying on the floor, compliant, not posing a physical threat to anyone, and not evading or struggling with any officer, all in violation of Title 18, United States Code Section 241.

Furthermore, I believe that certain Texas prison officials knowingly and willfully combined, conspired, and agreed with one another and with other co-conspirators to obstruct justice, in violation of 18 U.S.C. § 1519, by knowingly falsifying and/or making false entry(ies) in a record(s) and document(s) with the intend to impede, obstruct, and influence the investigations.

The above allegations of violations, of certain federal civil rights statutes, are illustrative, as opposed to exhaustive.



Certainly, I could contact the U.S. Department of Justice myself. However, it is also clear that my request would be given significantly more consideration if it were "championed" by your office. It is a regrettable fact that too many complaints lodged by prisoners and former prisoners are, essentially, ignored by the state and/or federal officials.

Last, I am also seeking prospective relief to avoid irreparable legal harm to my anticipated litigation against the Texas prison officials. Not being able to produce the video-recording in court will prevent me from proving the facts reported above. Thus, I need your assistance in filing a PRELIMINARY INJUNCTION (the actual complaint would be filed shortly after to allow me to gather the necessary information), with the federal court in Lubbock (i.e., with the Lubbock Division), to prevent the destruction of the video-recording by the Texas state officials.

Also please ask that the video-recording be immediately released to the federal court in Lubbock, if possible.

The facts presented in this communication combined with the article published by Prison Legal News referenced above show that obtaining the video-recording would serve the public interest.

Considering the matter of the statute of limitation (it will be two-year on June 06-2018), please be diligent in the above matters and let me know how you intend to proceed without delay.

Thank you very much for your time and assistance in this matter.













Respectfully submitted,

Charles Epley

CC: The Honorable United States Congresswoman Sheila Jackson Lee; 2187 Rayburn HOB, Washington, D.C. 20515

The Honorable United States Congressman Al Green; 2347 Rayburn HOB, Washington, D.C. 20515

12 attachments

-  **E1_Basic information.pdf**
33K
-  **E2_Epley Ombudsman_ April 04 2018.pdf**
68K
-  **E3_Epley SCR Lynaugh June 16 2018.pdf**
46K
-  **E4_Epley PTSD Nov 06 2017.pdf**
21K
-  **E5 Epley TBI Dec 03 2012.pdf**
22K
-  **E6_OpenRecords-Charles_April-17-18.pdf**
228K
-  **E7_Requestor Copy-Charles Epley (1).pdf**
438K
-  **E8_PIR-Charles Epley.pdf**
43K
-  **E9 Grievance 2016158831 (1).pdf**
2781K
-  **E10 Grievance 2017141526.pdf**
4442K
-  **E11_2016140882.pdf**
2327K
-  **E12_OGC Open Records-Epley_April 25, 2018_4 pages.pdf**
473K

MA-03534-06-16 Montford Unit

Basic Information

Date/Time of Use of force:

6/6/16 Time 1458

Location of Use of force:

A3 pod Dayroom #4

Employee Participant Name:

David Camargo, CO III
Julio Espinosa III, CO IV
Marco Gonzalez, Sergeant
Rafael Guitron II, CO V
Bobby Gutierrez, CO V
Jonathan Smith, CO II

Injury Incurred to employee as a result of the use of force: No

Offender Participant Name:

Charles Epley #601990

Injury Incurred to offender participant as a result of the use of force: Yes

Brief Summary: On the date and time listed above, and at A3 pod Dayroom #4, Offender Charles Epley #601990, was ordered to move into a new housing assignment and the offender failed to obey the order, thus resulting in the use of chemical agents and a 5 man team was utilized in order to gain compliance from the offender.

Administrative/disciplinary charges filed against offender: Yes
Level II, 24.0-Refusing or Failing to Obey Orders

NOT TRUE

FALSE

Administrative/disciplinary charges filed against employees: No

INFORMATION

Basic Information Provided by Maggie Schillaci 10/10/16

Texas Department of Criminal Justice
The Office of the Administrative Monitor for Use of Force
PO Box 99, Huntsville, TX 77320

www.tdcj.state.tx.us



Charles Epley <epleylegal@gmail.com>

Request of video recording in case # : MA-03534-06-16 Montford Unit

1 message

Charles Epley <epleylegal@gmail.com>
To: OMBUDSMAN@tdcj.state.tx.us

Wed, Apr 4, 2018 at 2:58 PM

TO: OFFICIAL CASSANDRA Mc GILBRA,
EXECUTIVE-DIRECTOR OF THE TDCJ OMBUDSMAN OFFICE

VIA E-MAIL: OMBUDSMAN@TDCJ.STATE.TX.US

CASE #: MA-03534-06-16

AUTHORITY: THIS REQUEST FOR THE VIDEO RECORDING IS MADE BECAUSE

IT DEPICTS THE BRUTAL ASSAULT DURING WHICH I WAS PERSONALLY,
SEVERELY AND PERMANENTLY INJURED.

ALTERNATIVELY, THIS REQUEST FOR THE VIDEO RECORDING IS MADE
PURSUANT TO ALL APPLICABLE LAWS, INCLUDING BUT NOT LIMITED TO
THE TEXAS OPEN RECORDS ACT.

FROM: CHARLES E. EPLEY,
(Formerly TDCJ-ID # 601990 - I was released on February 20-18)

Dear Official Cassandra McGILBRA:

On June 06-16 and at the Montfort Unit located in Lubbock I was severely brutalized by the
following officials:

- David Camargo, CO III
- Julio Espinosa, CO IV
- Marco Gonzalez, Sergeant
- Rafael Guitron II, CO V
- Bobby Gutierrez, CO V
- Jonathan Smith, CO II

Please release to me, without further delay, the video recording of the above-mentioned
incident, in case # MA-03534-06-16.

Thank you for your time and assistance in this matter. Sincerely,

Mr. Charles E. Epley
epleylegal@gmail.com

P.S: Please let me know how much I need to send to the obtain the video-recording, and
where to send the money.

04/04/2018

Gmail - Automatic reply: Request of video recording in case # : MA-03534-06-16 Montford Unit

Case 5:18-cv-00142-C Document 3 Filed 05/08/18 Page 5 of 34 PageID 9



Charles Epley <epleylegal@gmail.com>

Automatic reply: Request of video recording in case # : MA-03534-06-16 Montford Unit

1 message

Ombudsman <Ombudsman@tdcj.texas.gov>

Wed, Apr 4, 2018 at 2:59 PM

To: Charles Epley <epleylegal@gmail.com>

TDCJ Office of Ombudsman has received this correspondence and will provide a response as soon as possible.

c:\users\dablackm\local settings\temp\288355617.tif printed by mivap. (Page 1 of 1)

From: NATE F. LYNNAUGH UNIT MEDICAL OFFICIALS
Scanned by ORTEGA, GINA in facility LYNNAUGH (LH) on 06/10/2016 09:38

DATE: Thursday June 08-16 * MIDDLETOWN, AYC

SUBJECT: On Monday June 06-16, and at THE MONTFORD

Unit, I was brutalized. I suffered the

following physical injuries.

- nose with heavy bleeding (possibly broken),

- frontal teeth (pain and at least one tooth loose),

- concussion (loss of consciousness/headaches/vomiting),

- blurred vision in right eye,

- loss of hearing with ringing in right ear,

- pain in right side of the neck,

- pain in left shoulder,

- sharp/acute pains in right side of chest (broken rib(s)),

- worsened back pain of pre-existing injury,

- pains in both knees,

Please provide me with prompt and meaningful

medical care for the above serious medical conditions.

FROM: CHARLES EPLEY #601940 Housing: ~~RECEIVED~~

Disposition:

Nurse sick call clinic: ~~RA~~

LYNNAUGH UNIT

2 JUN 10 2016

CORRECTIONAL MANAGED CARE
OUTPATIENT MENTAL HEALTH SERVICESTriage InterviewPatient Name: EPLEY, CHARLES E
TDCJ#: 601990Date: 11/06/2017 10:42
Facility: RAMSEY I (R1)

- ☐ No apparent mental health needs
☒ Currently receiving mental health treatment
☐ Other:

- P:** Refer to:
☐ QMHP
☐ Psychiatrist/NP/PA
☐ Other:
☐ Return to clinic in _____ for follow up
☒ See as scheduled by current mental health provider
☐ Follow up upon request or referral. Access to care procedure explained to patient.

Procedures Ordered:

Date Time	Description	Diagnosis	Comments	Special Instructions
11/6/2017 10:47AM	MH OP SICK CALL/REFERRAL TRIAGE (F)	posttraumatic stress disorder		

Electronically Signed by STEVENS, VICTORIA A. BS, MHCM on 11/06/2017.
 Electronically Signed by HEIPLE, BRANDON G. MA, LPC-I, MHC on
 11/09/2017.
 ##And No Others##

Correctional Managed Care
REPORT OF PHYSICAL EXAM

Patient Name: EPLEY, CHARLES E TDCJ#: 601990 Date: 12/03/2012 12:49 Facility: RAMSEY I (R1)
Age: 55 year DOB: 08/18/1957 Race: W Sex: male
Most recent vitals from 12/3/2012: BP: 108 / 59 (Sitting) ; Wt: 149 Lbs.; Height: 71 In.; Pulse: 61 (Sitting) ; Resp: 16 / min; Temp: 97.9 (Oral)
Allergies: SENSITIVITY TO CHEESE

Patient Language: ENGLISH Name of Interpreter, if required:

Current Medications:

TRAZODONE 50MG TABLET 3 TABS ORAL EVERY EVENING for 30 Days	ORDERING FACILITY: RAMSEY I (R1) ORDERING PROVIDER: BEDARD, DORACE L	COMPLIANCE: 34.04 % REFILLS: 1 / 11 EXPIRATION DATE: 10/13/2013 11:43:00AM
--	---	--

Chief Complaint and Notes: complaints of headaches, intermittent confusion, dizziness, n/v, night mares from being kicked in the head 1994;
Significant Past Medical History: c/o Traumatic Brain Injury 1994
Family Hx: cant think right now



Charles Epley <epleylegal@gmail.com>

Open Records Request - 04/04/2018

OGC Open Records <ogcopenrecords@tdcj.texas.gov>
To: "epleylegal@gmail.com" <epleylegal@gmail.com>
Cc: Nicholas Morrell <Nicholas.Morrell@tdcj.texas.gov>

Tue, Apr 17, 2018 at 6:50 PM

Good Morning Mr. Epley,

Please see the attached for your copy of our request for decision from the Attorney General. Please respond to this email with a valid mailing address so that the AG can mail you your copy of their ruling in 45-55 days.

Thank you,

Zeke Tisdale

Legal Assistant I – Legal Affairs

Texas Department of Criminal Justice

Office of the General Counsel

(936) 437-6004

(936) 437-6994 Fax

The information contained in this electronic mail and any attachments is intended for the use of the addressee(s) and may contain confidential, privileged, or proprietary information. Any other use of these materials is strictly prohibited. This email may not be forwarded outside the Texas Department of Criminal Justice Office of the General Counsel without the permission of the original sender. If you have received these materials in error, please notify me immediately by telephone and destroy all electronic, paper, or other versions.

2 attachments

PIR-Charles Epley.pdf
39K



Requestor Copy-Charles Epley.pdf
435K



Texas Department of Criminal Justice

Bryan Collier
Executive Director

April 17, 2018

Charles Epley
Via Email: epleylegal@gmail.com

RE: Your Public Information Request dated April 4, 2018

Dear Mr. Epley:

The Texas Department of Criminal Justice Office of the General Counsel is in receipt of your public information request dated April 4, 2018. This letter is to advise you that this office is asking the Office of the Attorney General to decide whether certain information that we have responsive to your request should be made available to you. We believe documents responsive to your request contain information that is confidential and therefore not releasable to you.

Any responsive information we have that is not the subject of a request for decision will be released to you.

Sincerely,

A handwritten signature in black ink, appearing to read "Nicholas Morrell", is written over a light blue horizontal line.

Nicholas Morrell
Assistant General Counsel

NAM/ZZT
Attachment

Our mission is to provide public safety, promote positive change in offender behavior, reintegrate offenders into society, and assist victims of crime.

Office of the General Counsel

Sharon Felfe Howell, General Counsel – Sharon.Howell@tdcj.texas.gov

P.O. Box 13084 Capitol Station
Austin, Texas 78711-3084

Phone (512) 463-9899, FAX (512) 936-2159

P.O. Box 4004

Huntsville, Texas 77342-4004

Phone (936) 437-6700, FAX (936) 437-6994

www.tdcj.texas.gov



Texas Department of Criminal Justice

Bryan Collier
Executive Director

April 17, 2018

Honorable Ken Paxton
Attorney General of Texas
Open Records Division
P.O. Box 12548 – Capitol Station
Austin, Texas 78711-2548

RE: Public Information Request Submitted by Charles Epley – TDCJ#ZT0128

Dear Mr. Attorney General:

On April 4, 2018, the Texas Department of Criminal Justice (TDCJ) received a request under the *Public Information Act* (PIA) from Mr. Charles Epley. A copy of the request is attached as Attachment A.

The TDCJ asserts documents responsive to this request contain information that is excepted from disclosure under the PIA. Specifically, the TDCJ invokes all of the exceptions provided by, and the exceptions incorporated into, Texas Government Code sections 552.028 and 552.101 through 552.158 of the PIA. Accordingly, we request a decision as to whether the exceptions apply. To assist in your review, the TDCJ will provide written comments and the responsive documents, or a representative sample of the responsive documents, not later than the 15th business day from the date the request was received.

If you need additional information, please contact this office at 936-437-6700 or via email at ogcopenrecords@tdcj.texas.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Nicholas Morrell", is written over a horizontal line.

Nicholas Morrell
Assistant General Counsel

cc: Charles Epley
Via Email: epleylegal@gmail.com

NAM/ZZT
Attachment

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Huntsville, Texas 77342-4004

Phone (936) 437-6700, FAX (936) 437-6994

www.tdcj.texas.gov

From: Charles Epley [mailto:epleylegal@gmail.com]
Sent: Wednesday, April 04, 2018 8:06 AM
To: Cassandra McGilbra <Cassandra.Mcgilbra@tdcj.texas.gov>
Subject: Request of video recording in case # : MA-03534-06-16 Montford Unit

TO: OFFICIAL CASSANDRA Mc GILBRA,
EXECUTIVE-DIRECTOR OF THE TDCJ OMBUDSMAN OFFICE
VIA E-MAIL: CASSANDRA.McGILBRA@TDCJ.TEXAS.GOV
CASE #: MA-03534-06-16

AUTHORITY: THIS REQUEST FOR THE VIDEO RECORDING IS MADE BECAUSE
IT DEPICTS THE BRUTAL ASSAULT DURING WHICH I WAS PERSONALLY,
SEVERELY AND PERMANENTLY INJURED.

ALTERNATIVELY, THIS REQUEST FOR THE VIDEO RECORDING IS MADE PURSUANT TO ALL APPLICABLE
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Dear Official Cassandra McGILBRA:

On June 06-16 and at the Montford Unit located in Lubbock I was severely brutalized by the following
officials:

- David Camargo, CO III
- Julio Espinosa, CO IV
- Marco Gonzalez, Sergeant
- Rafael Guitron II, CO V
- Bobby Gutierrez, CO V
- Jonathan Smith, CO II

Please release to me, without further delay, the video recording of the above-mentioned incident, in
case # MA-03534-06-16.

Thank you for your time and assistance in this matter. Sincerely,
Mr. Charles E. Epley
epleylegal@gmail.com

P.S: Please let me know how much I need to send to the obtain the video-recording, and where to
send the money.

**STEP 1****OFFENDER
GRIEVANCE FORM**

Offender Name: CHARLES EPLEY TDCJ# 601990
 Unit: L'YNAUGH Housing Assignment: A-1-12-B
 Unit where incident occurred: MONTFORD PSYCHIATRIC FACILITY

OFFICE USE ONLY

Grievance #: 2016158831
 Date Received: JUN 13 2016
 Date Due: 7-22-16
 Grievance Code: 807814
 Investigator ID #: I2317
 Extension Date: _____
 Date Retd to Offender: JUL 22 2016

You must try to resolve your problem with a staff member before you submit a formal complaint. The only exception is when appealing the results of a disciplinary hearing.
 Who did you talk to (name, title)? SERGEANT GONZALES or GONZALEZ When? JUNE 07-2016
 What was their response? TO THREATEN ME WITH ADDITIONAL SERIOUS INJURIES (SEE BELOW).
 What action was taken? TO ORDER ME TO BOARD THE OUTGOING BUS WITHOUT MEDICAL CARE.

State your grievance in the space provided. Please state who, what, when, where and the disciplinary case number if appropriate.
SINGLE ISSUE GRIEVED: On Monday June 06 2016 and at MONTFORD security, medical, and administrative officials knowingly and intentionally severely harmed me.
BACKGROUND FACTS: In March of 1994 and at the Michael Prison of the Texas prison system I was repeatedly and severely brutalized. I suffered serious physical injuries, and I was diagnosed with POST TRAUMATIC STRESS DISORDER. I have been SINGLE-CELLED during a period of about twenty (20) calendar years. The SINGLE-CELL medical restriction can only be revoked by a medical doctor. The psychiatrists who have examined - during the past twenty years - have all continued the SINGLE-CELL RESTRICTION. Thus, I have been stable at RAMSEY.
RELEVANT AND MATERIAL FACTS: On Friday May 27-16 I began the punishing transfer to the L'YNAUGH Prison. I arrived at L'YNAUGH on Thursday June 02-16. I was almost immediately transferred to MONTFORD where I was coerced (under the penalty of acts of violence) to sign two forms which I could not read because my glasses had been taken from me. To show that I objected to signing the forms I did not use my usual signature. Next, I was placed naked in a cold cell which resulted in sleep deprivation. The isolation further impaired my ability to think. On Friday June 03-16, I was taken to an unidentified psychologist, as opposed to a medical doctor. She indicated that I would benefit from pursuing educational advancement at the RAMSEY prison and that my HOP-18's SINGLE-CELL restriction will not be rescinded. I was discharged and I was returned naked to the cold cell. I was NEVER EXAMINED BY A PSYCHIATRIST or a MEDICAL DOCTOR during my entire stay at MONTFORD. During the PM hours on Monday June 06-16, I was taken to a four men cell occupied by three African-American prisoners I have never seen before. I had a flashback and an anxiety attack. I was unable to enter the occupied four men cell. I asked to be examined by a psychiatrist/medical doctor. I was placed into an empty "day-room" naked except for an underwear. As I was waiting, I had panic attacks, flashbacks, and feeling of unreality during which the walls around me appeared to be moving and I thought that I was dreaming. I experienced intense fear. A security official made me believe that the doctors were coming to talk to me. Suddenly, through a special opening in the door, gas was shot at me from what appeared to be a large pistol. I became incapacitated and unable to think. I laid on the ground on my stomach with my arms and legs stretched out. At one point, I tried to crawl toward the door to allow the officials to handcuff me, from the outside, through the door's special opening. Next, maybe as many as six large and heavily armored security officials ran toward me and crushed me as I was laying on the ground. I believe that it was Sgt. GONZALES who forcefully slammed by head against the concrete/cement floor. I felt intense pain in my head, face, nose, ear, front teeth... I also felt blood on my face. For an instant I felt less pressure on my chest, and suddenly Sergeant GONZALES' very heavy weight crushed me. I immediately I felt a sharp tearing pain in my chest's right side. Every move then became painful. I had severe pains throughout my entire body. I feared that the officials were trying to crush me to death, as I have seen it done on television, in New York City. I was subsequently taken in handcuff to a four men cell, and thrown on the dirty floor near the toilet where the prisoners defecate. The three African

Americans became angry because a white person's blood was contaminating their cell. I felt very dizzy. After a period of time I cannot estimate, I lost consciousness. I vomited several times during the night. I was not allowed to leave the four men cell to get medical care, to shower to remove the burning chemicals... The following morning, before ordering me to board the bus without any medical treatment, Sgt. GONZALES told me: "I am the one who fucked you. I hate French people. If you come back to MONTFORD, I will fuck you again." I FEAR BEING RETURNED TO MONTFORD.

NOTE #1: This grievance is against: (A). The liable officials for the acts they have committed in their personal and official capacities; (2). The customs/practices/policies in effect at MONTFORD on Monday June 06-16; (3). The failure to properly train the liable officials.

NOTE #2: The video-recordings made on Monday June 06-2016, my medical records, and all the relevant and material records (e.g., All the liable security and medical officials past disciplinary records) are incorporated by reference to this grievance for all purposes.

NOTE #3: Due to space limitation, certain important facts could not be included.

NOTE #4: I was assisted in the writing of this grievance.

ction Requested to resolve your Complaint. That: (1) Sgt. GONZALES and the other unidentified security officials involved; (2). The unidentified medical and mental-health staff members who allowed/ordered the security officials to harm me; (3). The unidentified officials, possibly in Huntsville, involved, to be held personally and officially liable for the serious injuries I have sustained.

Grievance Signature:  Date: FRIDAY JUNE 10-2016

Grievance Response:

AN INVESTIGATION HAS BEEN CONDUCTED REGARDING YOUR COMPLAINT. THE INVESTIGATION REVEALED INSUFFICIENT EVIDENCE TO SUPPORT YOUR ALLEGATION OF STAFF MISCONDUCT ON THE ALLEGED DATE. NO FURTHER ACTION WARRANTED.

Signature Authority: 

Robert Stevens, Warden

Date: 7-22-16

ou are dissatisfied with the Step 1 response, you may submit a Step 2 (I-128) to the Unit Grievance Investigator within 15 days from the date of the Step 1 response. to the reason for appeal on the Step 2 Form.

turned because: *Resubmit this form when the corrections are made.

1. Grievable time period has expired.
2. Submission in excess of 1 every 7 days. *
3. Originals not submitted. *
4. Inappropriate/Excessive attachments. *
5. No documented attempt at informal resolution. *
6. No requested relief is stated. *
7. Malicious use of vulgar, indecent, or physically threatening language. *
8. The issue presented is not grievable.
9. Redundant, Refer to grievance # _____
10. Illegible/Incomprehensible. *
11. Inappropriate. *

I Printed Name/Signature: _____

lication of the screening criteria for this grievance is not expected to adversely affect the offender's health.

ficial Signature Authority: _____

7 Back (Revised 11-2010)

OFFICE USE ONLY

Initial Submission UGI Initials: _____

Grievance #: _____

Screening Criteria Used: _____

Date Recd from Offender: _____

Date Returned to Offender: _____

2nd Submission UGI Initials: _____

Grievance #: _____

Screening Criteria Used: _____

Date Recd from Offender: _____

Date Returned to Offender: _____

3rd Submission UGI Initials: _____

Grievance #: _____

Screening Criteria Used: _____

Date Recd from Offender: _____

Date Returned to Offender: _____



Texas Department of Criminal Justice

STEP 2

OFFENDER
GRIEVANCE FORM

CHARLES EPLEY

TDCJ#

13-2-68 801990

Offender Name: R2Unit: STRINGFELLOW

Housing Assignment:

C13-1-15-BUnit where incident occurred: MONTFORD PSYCHIATRIC FACILITY

OFFICE USE ONLY

Grievance #: 2016158831UGI Recd Date: SEP 07 2016HQ Recd Date: SEP 14 2016Date Due: 10-17Grievance Code: 814Investigator ID#: 1715

Extension Date: _____

You must attach the completed Step 1 Grievance that has been signed by the Warden for your Step 2 appeal to be accepted. You may not appeal to Step 2 with a Step 1 that has been returned unprocessed.

Give reason for appeal (Be Specific). *I am dissatisfied with the response at Step 1 because...*

Reading the ruling, dated July 22-16, issued by Warden ROBERT STEVENS in grievance # 2016158831 frightens me. Here is why: The fact that criminal acts witnessed by so many prisoners and officials - and verified by video-recordings and my medical records - can be covered-up/concealed/suppressed with what is essentially nothing more than a "general denial". Prisoner should not be sent to MONTFORD, a "medical facility" only to have it, a few days later, physically injured and mentally traumatized with flashbacks, nightmares, constant fear of being again brutalized...

It is clearly established that I was injured at MONTFORD during a VIDEO-RECORDED use of force during which the officials violated: BOARD POLICY 03-46 STANDARDS FOR THE USE OF FORCE.

Authority: Texas Government Code 411.148; 492.013; 501.002;

Texas Penal Code 9.32; 9.33; 9.52; 9.53;

NOTE: The proof that the officials violated BOARD POLICY 03-46 is that I was NEVER given a disciplinary case. The officials could not find any fault with my conduct; Thus, the use of force was illegal.

To conceal/suppress... my injuries, the liable officials also violated: ADMINISTRATIVE DIRECTIVE 03-47 TAKING PHOTOGRAPHS FOLLOWING AN INJURY OR USE OF FORCE INCIDENT.

Authority: Texas Government Code: 493.001; 493.006(b); 494.001; 494.002.

In addition to the above mentioned VIDEO-RECORDING, and medical records which report injuries consistent with the VIDEO-RECORDING, I am ready to

provide sworn affidavits, to take polygraph examinations... and to cooperate with any legitimate law enforcement agency (e.g., the U.S. Department of Justice) willing to investigate the crimes reported in

this grievance. Moreover, all the witnesses, whether they are prisoners, TDCJ officials, medical staff members, should have already been asked to provide affidavits, deposed under oath, polygraphed.. to TIMELY secure the AVAILABLE evidence^s. I ONLY END THIS APPEAL DUE TO SPACE LIMITATION.

Offender Signature: _____

Date: FRIDAY SEPTEMBER 02-16

Grievance Response: _____

Step 1 response appropriate. Please refer to that response. There was no evidence to substantiate your allegations. No further action warranted.

STEVE MASSIE
ASST. REGIONAL DIRECTOR

Signature Authority: _____

Date: SEP 30 2016

Returned because: *Resubmit this form when corrections are made.

- ☐ 1. Grievable time period has expired.
- ☐ 2. Illegible/Incomprehensible.*
- ☐ 3. Originals not submitted. *
- ☐ 4. Inappropriate/Excessive attachments.*
- ☐ 5. Malicious use of vulgar, indecent, or physically threatening language.
- ☐ 6. Inappropriate.*

CGO Staff Signature: _____

OFFICE USE ONLY

Initial Submission

CGO Initials: _____

Date UGI Recd: _____

Date CGO Recd: _____

(check one) ☐ Screened ☐ Improperly Submitted

Comments: _____

Date Returned to Offender: _____

2nd Submission

CGO Initials: _____

Date UGI Recd: _____

Date CGO Recd: _____

(check one) ☐ Screened ☐ Improperly Submitted

Comments: _____

Date Returned to Offender: _____

3rd Submission

CGO Initials: _____

Date UGI Recd: _____

Date CGO Recd: _____

(check one) ☐ Screened ☐ Improperly Submitted

Comments: _____

Date Returned to Offender: _____



STEP 1 OFFENDER GRIEVANCE FORM

OFFICE USE ONLY	
Grievance #:	2017141526
Date Received:	MAY 22 2017
Date Due:	07/01/2017
Grievance Code:	800
Investigator ID #:	21812
Extension Date:	
Date Retd to Offender:	JUN 01 2017

Offender Name: CHARLES EPLEY TDCJ # 601990
 Unit: RAMSEY Housing Assignment: ONE WING 4-11-T
 Unit where incident occurred: HUNTSVILLE

You must try to resolve your problem with a staff member before you submit a formal complaint. The only exception is when appealing the results of a disciplinary hearing.

Who did you talk to (name, title)? KATHERYN BELL-DIRECTOR USE OF FORCE When? 2017 SEE BELOW

What was their response? TO INFORM ME THAT THE OFFICIALS REFUSE TO GRANT MY REQUEST.

What action was taken? TO DENY MY REQUEST THAT THE VIDEO-RECORDING BE RELEASED.

State your grievance in the space provided. Please state who, what, when, where and the disciplinary case number if appropriate

INFORMAL RESOLUTION was attempted when I wrote my letter, dated 05-01-17, to Huntsville-based Use of Force Supervising Official KATHERYN BELL. On Monday May 15-17, the mail-room official provided me with a letter, dated May 05-17, from Use of Force Official MAGGIE SCHILLACI - on KATHERYN BELL's behalf - who denied my request that a copy of a video-recording be released to my relatives. Next, a communication, dated Tues. May 16-17, from: Central Grievance Office, addressed to me, read: PLEASE UTILIZE THE OFFENDER GRIEVANCE PROCEDURE TO ADDRESS YOUR CONCERNS. GRIEVANCE: On Monday June 06-16, and at the Montford Unit of the TDCJ, I was the victim of an unjustified and illegal USE OF FORCE. The said Use of Force has caused me to suffer serious injuries. I continue to be afflicted with severe chronic pain, distress, impairments... On multiple occasions, I have asked the Texas prison officials, to release UNEDITED/UNALTERED copies of the ENTIRE and COMPLETE video-recording of the Use of Force referenced/numbered MA-03534-6-16 MONTFORD unit to my relatives, and to the Houston-based French General Consulate. The requests were made to enable the French Consular officials to know the facts in order to act per the authority granted to them by Article 36 of the Vienna Convention on Consular Relations. Notwithstanding the above, the officials continue to conceal/suppress the video-recording. It should further be noted that the officials at MONTFORD, ROBERTSON, LYNAUGH, and STRINGFELLOW have created "complications" for me/retaliated against me by, for example, denying me access to my LEGAL MATERIALS, to prevent me from alerting the Courts of the facts arising from the

MAY 22 2017

MAY 22 2017

MAY 22 2017

MAY 22 2017

MAY 22 2017

MAY 22 2017

unjustified and illegal use of force # MA-03534-06-16 MONTFORD Unit.

P.S: It is my intention to alert all the responsible authorities, such as the United States Department of Justice-Civil Rights Division, of the events that took place on Monday June 06-16. Any attempt to destroy, or alter/tamper/edit..., the video recording referenced/numbered above will be construed to be an OBSTRUCTION OF JUSTICE.

NOTE: All the documents in this matter, such as ALL the grievances I have filed since Monday June 06-16, my medical records... are incorporated by referenced to this grievance, for all purposes.

Action Requested to resolve your Complaint. That copies of the USE OF FORCE video-recording, numbered MA-03534-06-16 MONTFORD unit, be promptly released - at my expenses - to my relatives and to the Houston-based French Consulate.

Offender Signature: _____ Date: TUESDAY MAY 16-17

Grievance Response: Your claim was forwarded to the Region III Office of the Inspector General, (OIG) for their review, and they found insufficient evidence to warrant opening an OIG investigation.

No further action warranted.

Signature Authority: _____

Assistant Warden R. Babcock

Date: 5/31/17

If you are dissatisfied with the Step 1 response, you may submit a Step 2 (I-128) to the Unit Grievance Investigator within 15 days from the date of the Step 1 response. State the reason for appeal on the Step 2 Form.

Returned because: *Resubmit this form when the corrections are made.

- ☐ 1. Grievable time period has expired.
- ☐ 2. Submission in excess of 1 every 7 days. *
- ☐ 3. Originals not submitted. *
- ☐ 4. Inappropriate/Excessive attachments. *
- ☐ 5. No documented attempt at informal resolution. *
- ☐ 6. No requested relief is stated. *
- ☐ 7. Malicious use of vulgar, indecent, or physically threatening language. *
- ☐ 8. The issue presented is not grievable.
- ☐ 9. Redundant, Refer to grievance # _____
- ☐ 10. Illegible/Incomprehensible. *
- ☐ 11. Inappropriate. *

UGI Printed Name/Signature: _____

Application of the screening criteria for this grievance is not expected to adversely affect the offender's health.

Medical Signature Authority: _____

I-127 Back (Revised 11-2010)

OFFICE USE ONLY

Initial Submission UGI Initials: _____
 Grievance #: _____
 Screening Criteria Used: _____
 Date Recd from Offender: _____
 Date Returned to Offender: _____
 2nd Submission UGI Initials: _____
 Grievance #: _____
 Screening Criteria Used: _____
 Date Recd from Offender: _____
 Date Returned to Offender: _____
 3rd Submission UGI Initials: _____
 Grievance #: _____
 Screening Criteria Used: _____
 Date Recd from Offender: _____
 Date Returned to Offender: _____



STEP 1 OFFENDER GRIEVANCE FORM

Offender Name: CHARLES EPLEY TDCJ # 601990
 Unit: RAMSEY Housing Assignment: ONE WING 4-11-T
 Unit where incident occurred: HUNTSVILLE

OFFICE USE ONLY
 Grievance #: _____
 Date Received: JUN 06 2017 CB
 Date Due: _____
 Grievance Code: 800B
 Investigator ID #: _____
 Extension Date: _____
 Date Retd to Offender: _____

You must try to resolve your problem with a staff member before you submit a formal complaint. The only exception is when appealing the results of a disciplinary hearing.

Who did you talk to (name, title)? KATHERYN BELL-DIRECTOR USE OF FORCE When? HUNTSVILLE-BASED SEE BELOW

What was their response? TO INFORM ME THAT THE OFFICIALS REFUSE TO GRANT MY REQUEST.

What action was taken? TO DENY MY REQUEST THAT THE VIDEO-RECORDING BE RELEASED. JUN 06 2017

State your grievance in the space provided. Please state who, what, when, where and the disciplinary case number if appropriate. INFORMAL RESOLUTION was attempted when I wrote my letter, dated 05-01-17,

to Huntsville-based USE OF FORCE Supervising Official KATHERYN BELL.

On Monday May 15-17, the mail-room official provided me with a letter,

dated May 05-17, from USE OF FORCE Official MAGGIE SCHILLACI - on

KATHERYN BELL's behalf - who denied my request that a copy of a video-

recording be released to my relatives. Next, a communication, dated

Tues. May 16-17, from: Central Grievance Office, addressed to me, read:

PLEASE UTILIZE THE OFFENDER GRIEVANCE PROCEDURE TO ADDRESS YOUR CONCERNS.

GRIEVANCE: On Monday June 06-16, and at the Montford Unit of the TDCJ,

I was the victim of an unjustified and illegal USE OF FORCE. The said

USE OF FORCE has caused me to suffer serious injuries. I continue to be

afflicted with severe chronic pain, distress, impairments... JUN 06 2017

On multiple occasions, I have asked the Texas prison officials, to

release UNEDITED/UNALTERED copies of the ENTIRE and COMPLETE video-

recording of the USE OF FORCE referenced/numbered MA-03534-6-16 MONTFORD

Unit to my relatives, and to the Houston-based French General Consulate.

The requests were made to enable the French Consular officials to know

the facts in order to act per the authority granted to them by Article

36 of the Vienna Convention on Consular Relations. Notwithstanding the

above, the officials continue to conceal/suppress the video-recording.

It should further be noted that the officials at MONTFORD, ROBERTSON,

LYNAUGH, and STRINGFELLOW have created "complications" for me/retaliated

against me by, for example, denying me access to my LEGAL MATERIALS,

to prevent me from alerting the Courts of the facts arising from the

unjustified and illegal USE OF FORCE # MA-03534-06-16 MONTFORD Unit,

P.S: It is my intention to alert all the responsible authorities, such as the United States Department of Justice-Civil Rights Division, of the events that took place on Monday June 06-16. Any attempt to destroy, or alter/tamper/edit..., the video recording referenced/numbered above will be construed to be an OBSTRUCTION OF JUSTICE.

NOTE: All the documents in this matter, such as ALL the grievances I have filed since Monday June 06-16, my medical records... are incorporated by referenced to this grievance, for all purposes.

Action Requested to resolve your Complaint. That copies of the USE OF FORCE video-recording, numbered MA-03534-06-16 MONTFORD unit, be promptly released - at my expenses - to my relatives and to the Houston-based French Consulate.

Offender Signature:  Date: SATURDAY JUNE 03-17

Grievance Response:

Signature Authority: _____ Date: _____
If you are dissatisfied with the Step 1 response, you may submit a Step 2 (I-128) to the Unit Grievance Investigator within 15 days from the date of the Step 1 response. State the reason for appeal on the Step 2 Form.

Returned because: *Resubmit this form when the corrections are made.

- ☒ 1. Grievable time period has expired.
☐ 2. Submission in excess of 1 every 7 days. *
☐ 3. Originals not submitted. *
☐ 4. Inappropriate/Excessive attachments. *
☐ 5. No documented attempt at informal resolution. *
☐ 6. No requested relief is stated. *
☐ 7. Malicious use of vulgar, indecent, or physically threatening language. *
☐ 8. The issue presented is not grievable.
☐ 9. Redundant, Refer to grievance # _____
☐ 10. Illegible/Incomprehensible. *
☐ 11. Inappropriate. *


UGI Printed Name/Signature: 

Application of the screening criteria for this grievance is not expected to adversely Affect the offender's health.

Medical Signature Authority: _____

I-127 Back (Revised 11-2010)

OFFICE USE ONLY

Initial Submission UGI Initials: 
Grievance #: 2017149809
Screening Criteria Used: 01
Date Recd from Offender: JUN 06 2017
Date Returned to Offender: JUN 06 2017
2nd Submission UGI Initials: _____
Grievance #: _____
Screening Criteria Used: _____
Date Recd from Offender: _____
Date Returned to Offender: _____
3rd Submission UGI Initials: _____
Grievance #: _____
Screening Criteria Used: _____
Date Recd from Offender: _____
Date Returned to Offender: _____

DATE: SATURDAY JUNE 03-17 * MMDCCLXX A.U.C.

Case 5:18-cv-00142-C Document 3 Filed 05/08/18 Page 21 of 34 PageID 25

TO: OFFICIAL LINDA HONE - RAMSEY UNIT GRIEVANCE SUPERVISOR

RE: STEP ONE GRIEVANCE # 2017141526

SUBJECT: Please consider the following facts,

- Step One grievance No. 2017141526 pertains to events which occurred at the MONTFORD unit on Monday June 06-2016, one year ago.

- Step One grievance No. 2017141526 was filed against HUNTSVILLE-based official KATHERIN BELL, the Director of Use of Force. Her address is: 1107 Avenue J - Huntsville, Texas 77340.

- I contacted Huntsville for my informal resolution of grievance # 2017141526. And USE OF FORCE - in Huntsville - responded to me.

- Official KATHERIN BELL has access to the video-recording of the event which occurred at MONTFORD, on Monday June 06-16, last year.

- I want the video recording to be released to my relatives and the French Consulate. The present matter has NOTHING to do with the Office of the Inspector General (OIG). Errors were made when:

- Step One of Grievance # 2017141526 was sent to the OIG.

- Grievance # 2017141526 was answered by Assistant-Warden BABCOCK. (Again, the grievance has NOTHING to do with anyone at Ramsey).

Moreover, appealing the Step One cannot remedy the above errors.

The only remedy is to allow me to resubmit the grievance (See ENCLOSURE) AND for you to forward it to HUNTSVILLE, where the USE OF FORCE department and official KATHERIN BELL are located.

An Huntsville-based official should issue the ruling which either GRANT my request for the video-recording kept in Huntsville, or explain why the video-recording continues to be concealed/suppressed.

Thank you for your assistance in this matter. Most sincerely,

P.S: Again: (1). NO Ramsey official has ever been involved with the issues presented in grievance # 2017141526; (2). NONE of the events occurred at Ramsey; (3). The Office of the Inspector General can neither grant nor deny the request to resolve my complaint. Having the OIG involved compromises/undermines the grievance process.

If the enclosed resubmission were to be accepted, then I will NOT appeal the step one # 2017141526. However, if the enclosure were to be returned, in my appeal to Step One # 2017141526 I will report that involving Ramsey in Step One # 2017141526 is: A PLOY TO SHIELD USE OF FORCE/KATHERIN BELL IN HUNTSVILLE FROM BEING HELD ACCOUNTABLE/LIABLE.

CHARLES EPLEY # 601990

RAMSEY UNIT
ONE WING 4-11-T

File your Step 2. I have
no control over another unit.

JUN 06 2018

111-7-1

Q66109A

Strong, 10/13

ACCEPT AS ORIGINAL

AUG 03 2017



Texas Department of Criminal Justice
STEP 2
OFFENDER
GRIEVANCE FORM

OFFICE USE ONLY	
Grievance #:	2017141526
UGI Recd Date:	JUN 09 2017
HQ Recd Date:	JUN 12 2017
Date Due:	7/19
Grievance Code:	800
Investigator ID#:	1773
Extension Date:	

Offender Name: CHARLES EPLEY TDCJ# 601990
Unit: RAMSEY | Housing Assignment: ONE WING 4-11-T
Unit where incident occurred: HUNTSVILLE AND HUNTSVILLE ONLY
THIS COMPLAINT HAS NOTHING TO DO WITH RAMSEY

You must attach the completed Step 1 Grievance that has been signed by the Warden for your Step 2 appeal to be accepted. You may not appeal to Step 2 with a Step 1 that has been returned unprocessed.

Give reason for appeal (Be Specific). *I am dissatisfied with the response at Step 1 because...*
I must appeal the ruling, dated Tuesday May 16-17, issued in Step One grievance # 2017141526 for the following reasons:
FIRST, neither the Houston-based French General Consulate nor my relatives have been provided with copies of the VIDEO-RECORDING of the Use of Force MA-03534-06-16, which occurred on Monday June 06-2016.
SECOND, this grievance should not have been forwarded to the so-called Office of the Inspection General (OIG). This grievance is about obtaining a VIDEO-RECORDING of the Use of Force. It is NOT - as evidenced by the Step One itself - about the Use of Force. The officials have taken out of context the words "Use of Force" to shield Huntsville-based KATHERIN BELL + block the release of the VIDEO-RECORDING. It is a ploy to manipulate the grievance process so as to avoid having to issue a ruling on the merit. This is VERIFIED by the fact that on Sat. June 03-17, I resubmitted my Step One to allow the officials to provide me with a ruling on the merit i.e., correct the error if the error had not been made knowingly and intentionally. To deny me a ruling on the merit, the officials rejected my resubmission (see grievance #2017149809, which is incorporated by reference to this grievance for all purposes). I am now using the available space to quote excerpts from my one-page notice, also dated Saturday June 03-17, which is also incorporated by reference:

P.S: Again: (1). NO Ramsey official has ever been involved with the issues presented in grievance # 2017141526; (2). NONE of the

events occurred at Ramsey; (3). The Office of the Inspector General can neither grant nor deny the request to resolve my complaint [i.e., having the VIDEO-RECORDING released]. Having the IOG involved compromises/undermines the grievance process.

[Certainly,] it is a ploy to SHIELD [THE] USE OF FORCE [DEPARTMENT], AND KATHERINE BELL IN HUNTSVILLE, FROM BEING HELD ACCOUNTABLE/LIABLE.

Offender Signature: _____

Date: TUESDAY JUNE 06-17

Grievance Response: _____

This issue has been reviewed by The Office of the Inspector General and that office has determined that there is insufficient evidence to warrant opening a case. No further action will be taken.

Signature Authority: C. MARTINEZ

Date: JUL 20 2017

Returned because: *Resubmit this form when corrections are made.

- ☐ 1. Grievable time period has expired.
- ☐ 2. Illegible/Incomprehensible.*
- ☐ 3. Originals not submitted. *
- ☐ 4. Inappropriate/Excessive attachments.*
- ☐ 5. Malicious use of vulgar, indecent, or physically threatening language.
- ☐ 6. Inappropriate.*

CGO Staff Signature: _____

OFFICE USE ONLY

Initial Submission CGO Initials: _____

Date UGI Recd: _____

Date CGO Recd: _____

(check one) ☐ Screened ☐ Improperly Submitted

Comments: _____

Date Returned to Offender: _____

2nd Submission CGO Initials: _____

Date UGI Recd: _____

Date CGO Recd: _____

(check one) ☐ Screened ☐ Improperly Submitted

Comments: _____

Date Returned to Offender: _____

3rd Submission CGO Initials: _____

Date UGI Recd: _____

Date CGO Recd: _____

(check one) ☐ Screened ☐ Improperly Submitted

Comments: _____

Date Returned to Offender: _____



Charles Epley <epleylegal@gmail.com>

Open Records Request - 04/04/2018

OGC Open Records <ogcopenrecords@tdcj.texas.gov>
To: "epleylegal@gmail.com" <epleylegal@gmail.com>

Wed, Apr 25, 2018 at 10:51 PM

Good Afternoon Mr. Epley,

Please see the attachments pertaining to your open records request received by the TDCJ on 04/04/2018. The TDCJ now considers your request closed.

Thank you,

Zeke Tisdale
Legal Assistant I – Legal Affairs
Texas Department of Criminal Justice
Office of the General Counsel
(936) 437-6004
(936) 437-6994 Fax

The information contained in this electronic mail and any attachments is intended for the use of the addressee(s) and may contain confidential, privileged, or proprietary information. Any other use of these materials is strictly prohibited. This email may not be forwarded outside the Texas Department of Criminal Justice Office of the General Counsel without the permission of the original sender. If you have received these materials in error, please notify me immediately by telephone and destroy all electronic, paper, or other versions.

3 attachments

Pre-Determination Letter-Charles Epley.pdf
49K



Withdrawal-Charles Epley.pdf
59K



PIR-Charles Epley.pdf
39K



Texas Department of Criminal Justice

Bryan Collier
Executive Director

April 25, 2018

Charles Epley
Via Email: epleylegal@gmail.com

RE: Your Public Information Request re Charles Epley, TDCJ#ZT0128

Dear Mr. Epley:

The information responsive to the portion of your request where you ask for the video recording for case number MA-03534-06-16 has been deemed confidential by the Office of the Attorney General.

The Office of the Attorney General has previously ruled that the Texas Department of Criminal Justice (TDCJ) may withhold the use of force video for case number MA-03534-06-16. Thus, the TDCJ will not be releasing the responsive video to you or any other member of the public pursuant to OR2017-17674.

If you have any further questions please do not hesitate to contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read "Nicholas Morrell", is written over a horizontal line.

Nicholas Morrell
Assistant General Counsel

NAM/ZZT

Our mission is to provide public safety, promote positive change in offender behavior, reintegrate offenders into society, and assist victims of crime.

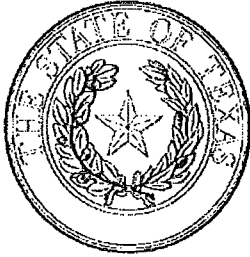
Office of the General Counsel

Sharon Felfe Howell, General Counsel – Sharon.Howell@tdcj.texas.gov

P.O. Box 13084 Capitol Station
Austin, Texas 78711-3084
Phone (512) 463-9899, FAX (512) 936-2159

P.O. Box 4004
Huntsville, Texas 77342-4004
Phone (936) 437-6700, FAX (936) 437-6994

www.tdcj.texas.gov



Texas Department of Criminal Justice

Bryan Collier
Executive Director

April 25, 2018

Honorable Ken Paxton
Attorney General of Texas
Open Records Division
P.O. Box 12548 – Capitol Station
Austin, Texas 78711-2548

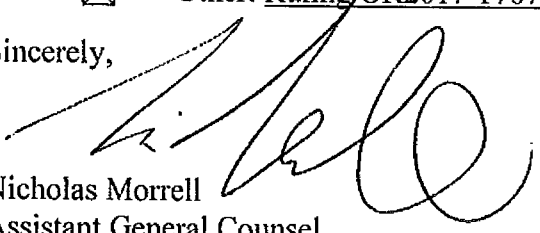
RE: Public Information Request Submitted by Charles Epley – TDCJ#ZT0128

Dear Mr. Attorney General:

In earlier correspondence, we requested your decision as to whether certain material requested by the above referenced requestor was excepted from disclosure. Accordingly, the TDCJ withdraws its decision request in this matter due to the following:

- ☐ All of the requested documents have been released to the requestor.
- ☐ The requestor has withdrawn the request for information voluntarily.
- ☐ The requestor has withdrawn the request for information by operation of law.
- ☐ The requestor has clarified and/or narrowed the request for information and this office has released the information subject to the more narrowly tailored request.
- ☐ The requestor is satisfied with the information or response provided.
- ☐ We have no information responsive to the request.
- ☒ Other: Ruling OR2017-17674 states this information may be withheld.

Sincerely,


Nicholas Morrell
Assistant General Counsel

cc: Charles Epley
epleylegal@gmail.com

NAM/ZZT

Our mission is to provide public safety, promote positive change in offender behavior, reintegrate offenders into society, and assist victims of crime.

Office of the General Counsel

Sharon Felfe Howell, General Counsel – Sharon.Howell@tdcj.texas.gov

P.O. Box 13084 Capitol Station
Austin, Texas 78711-3084
Phone (512) 463-9899, FAX (512) 936-2159

P.O. Box 4004
Huntsville, Texas 77342-4004
Phone (936) 437-6700, FAX (936) 437-6994

www.tdcj.texas.gov

From: Charles Epley [mailto:epleylegal@gmail.com]
Sent: Wednesday, April 04, 2018 8:06 AM
To: Cassandra McGilbra <Cassandra.Mcgilbra@tdcj.texas.gov>
Subject: Request of video recording in case # : MA-03534-06-16 Montford Unit

TO: OFFICIAL CASSANDRA Mc GILBRA,
EXECUTIVE-DIRECTOR OF THE TDCJ OMBUDSMAN OFFICE
VIA E-MAIL: CASSANDRA.McGILBRA@TDCJ.TEXAS.GOV
CASE #: MA-03534-06-16

AUTHORITY: THIS REQUEST FOR THE VIDEO RECORDING IS MADE BECAUSE
IT DEPICTS THE BRUTAL ASSAULT DURING WHICH I WAS PERSONALLY,
SEVERELY AND PERMANENTLY INJURED.

ALTERNATIVELY, THIS REQUEST FOR THE VIDEO RECORDING IS MADE PURSUANT TO ALL APPLICABLE
LAWS, INCLUDING BUT NOT LIMITED TO THE TEXAS OPEN RECORDS ACT.

FROM: CHARLES E. EPLEY,
(Formerly TDCJ-ID # 601990 - I was released on February 20-18)

Dear Official Cassandra McGILBRA:

On June 06-16 and at the Montfort Unit located in Lubbock I was severely brutalized by the following
officials:

- David Camargo, CO III
- Julio Espinosa, CO IV
- Marco Gonzalez, Sergeant
- Rafael Guitron II, CO V
- Bobby Gutierrez, CO V
- Jonathan Smith, CO II

Please release to me, without further delay, the video recording of the above-mentioned incident, in
case # MA-03534-06-16.

Thank you for your time and assistance in this matter. Sincerely,
Mr. Charles E. Epley
epleylegal@gmail.com

P.S: Please let me know how much I need to send to the obtain the video-recording, and where to
send the money.



Texas Department of Criminal Justice

STEP 1 OFFENDER GRIEVANCE FORM

16-1-6 B

Offender Name: CHARLES EPLEY TDCJ # 601990
 Unit: LYNAUGH Housing Assignment: A-1-12-B
 Unit where incident occurred: MONTFORD PSYCHIATRIC PRISON
 FRENCH ROBERTSON PRISON

OFFICE USE ONLY

Grievance #: 2016160882
 Date Received: JUN 16 2016
 Date Due: 7-31-16 7:26 PM
 Grievance Code: 009-002
 Investigator ID #: 12229
 Extension Date: 12317
 Date Retd to Offender: 11 9 2016

You must try to resolve your problem with a staff member before you submit a formal complaint. The only exception is when appealing the results of a disciplinary hearing.

Who did you talk to (name, title)? EVERY OFFICIAL I COULD TALK TO (SEE BELOW)

What was their response? TO THREATEN ME WITH ADDITIONAL SERIOUS INJURIES (SEE BELOW)

What action was taken? TO KNOWINGLY DENY ME ALL MEDICAL TREATMENT (SEE BELOW)

State your grievance in the space provided. Please state who, what, when, where and the disciplinary case number if appropriate
 SINGLE ISSUE GRIEVED: Denial of medical treatment at the MONTFORD & ROBERTSON

prisons for the severe injuries I sustained at MONTFORD on Monday June 06-2016.
 BACKGROUND FACTS: Per the facts reported in my grievance dated Fri. June 10-16, I was brutally assaulted on Monday June 06-2016, at the MONTFORD prison. As of Friday June 10-16, I suffered from the following known physical injuries:

- Nose with heavy bleeding (possibly broken);
- Frontal teeth (pain and at least one tooth loose);
- Concussion (loss of consciousness/headaches/vomiting);
- Blurred vision in right eye;
- Loss of hearing with ringing in right ear;
- Pain in right side of neck;
- Pain in left shoulder;
- Sharp/acute pains in right side of chest (Broken rib(s)?);
- Worsened back pain of pre-existing injury;
- Pains in both knees.

AT THE MONTFORD PRISON: Following the above assault, I was taken - bleeding - to a cell occupied by three African-American prisoners. I was dropped on the filthy floor a few inches from the toilet where prisoners defecate. The prison officials then left, and locked the door behind them. I was unable to leave the cell. My pleas for medical care were ignored. No pictures of my wounds were taken. I was silenced under the threat of additional injuries. I was left with multiple injuries, in severe pain, and in fear. During the night both the security and the medical officials refused to provide any care. On Monday June 07-16, two security officials handcuffed me. As we were passing in front of the nearby nurse station, Sergeant HERRERA (I believe that it is her name) and the nurses laughed when they saw me still covered in blood, and disoriented due to the sleep deprivation and continuing pain. I was taken directly to the bus boarding area where Sergeant GONZALES was waiting for me (see grievance dated Friday June 10-16). I was again denied any medical care and ordered to board the bus under the penalty of another brutal assault. I FEAR TO BE RETURNED TO THE MONTFORD PSYCHIATRIC PRISON.

THE LENGTHY TRANSFER BETWEEN MONTFORD AND ROBERTSON was extremely painful. AT THE ROBERTSON PRISON: Upon disembarking from the bus, I alerted the duty nurse standing-by, a large white woman with long blond hair who refused to identify herself. She immediately asked me who had injured me, as opposed to what were my injuries. When I revealed that officers had injured me, the nurse replied that if officers wanted to hurt me, she will not provide me with any medical treatment. The nurse then pulled-back behind the officer who was holding the list of incoming prisoners. The officer told me to shut-up and to go to Administrative-Segregation. There the prisoners who knew of the assault and I alerted Sergeant LOPEZ, who upon learning that I was brutalized by officers refused to call medical. On Wednesday June 08-16 and Thursday June 09-16, I alerted the infirmary women who called herself "BLUE", when she passed in front of my assigned cell to deliver medications. She told me that she had filed a notice that I needed to be examined by medical. Yet, nobody

examined me... I also alerted all the security officials who passed in front of my cell. I was never provided with any medical treatment at the ROBERTSON prison. I was also denied access to the food-trays because I could not get out of bed fast enough to get them, according to the officers passing the trays.

I FEAR TO BE RETURNED TO THE ROBERTSON PRISON.

THE LENGTHY TRANSFER BETWEEN ROBERTSON AND LYNAUGH was extremely painful.

NOTE #1: This grievance is against: (A). The liable security, administrative, and medical/mental-Health officials for the acts they have committed in their individual/personal capacities and their official capacities; (B). The customs/practices/policies in effect during the events reported above; (C). The failure to properly train the liable officials.


NOTE #2: The video-recordings made on Monday June 06-2016, my medical records, and all the relevant and material records (e.g., All the liable security and medical officials' past disciplinary records) are

incorporated by reference to this grievance for all purposes.

NOTE #3: Due to space limitation, certain important facts could not be included.

NOTE #4: I needed assistance in writing this grievance due to the continuing pains and the intrusive thoughts of the June 06-16 assault at Montford.

Action Requested to resolve your Complaint. That: (1). All the security and medical/mental-Health officials who knew, or should have known, of my needs for medical care from Monday June 06-16 until Thursday June 08-16 be held liable in their individual/personal and official capacities for the severe harm I have suffered.

Offender Signature:  Date: Wednesday JUNE 15-2016

Grievance Response:

YOUR ALLEGATIONS WAS FORWARDED TO THE REGIONAL OFFICE OF THE INSPECTOR GENERAL FOR INVESTIGATION. NO EVIDENCE WAS FOUND OR PRESENTED TO SUBSTANTIATE YOUR ALLEGATIONS. NO FUTHER ACTION IS WARRANTED IN THIS MATTER.

Signature Authority:

 Robert Stevens, Warden

Date: 7-12-16

If you are dissatisfied with the Step 1 response, you may submit a Step 2 (I-128) to the Unit Grievance Investigator within 15 days from the date of the Step 1 response. State the reason for appeal on the Step 2 Form.

Returned because: *Resubmit this form when the corrections are made.

- ☐ 1. Grievable time period has expired.
- ☐ 2. Submission in excess of 1 every 7 days. *
- ☐ 3. Originals not submitted. *
- ☐ 4. Inappropriate/Excessive attachments. *
- ☐ 5. No documented attempt at informal resolution. *
- ☐ 6. No requested relief is stated. *
- ☐ 7. Malicious use of vulgar, indecent, or physically threatening language. *
- ☐ 8. The issue presented is not grievable.
- ☐ 9. Redundant, Refer to grievance # _____
- ☐ 10. Illegible/Incomprehensible. *
- ☐ 11. Inappropriate. *

UGI Printed Name/Signature: _____

Application of the screening criteria for this grievance is not expected to adversely affect the offender's health.

Medical Signature Authority: _____

I-127 Back (Revised 11-2010)

OFFICE USE ONLY

Initial Submission UGI Initials: _____

Grievance #: _____

Screening Criteria Used: _____

Date Recd from Offender: _____

Date Returned to Offender: _____

2nd Submission UGI Initials: _____

Grievance #: _____

Screening Criteria Used: _____

Date Recd from Offender: _____

Date Returned to Offender: _____

3rd Submission UGI Initials: _____

Grievance #: _____

Screening Criteria Used: _____

Date Recd from Offender: _____

Date Returned to Offender: _____



Texas Department of Criminal Justice
STEP 2 **OFFENDER**
GRIEVANCE FORM

Offender Name: CHARLES EPLEY TDCJ# 601990
Unit: STRINGFELLOW Housing Assignment: C13-1-22-B
Unit where incident occurred: MONTFORD PSYCHIATRIC PRISON
FRENCH ROBERTSON PRISON

OFFICE USE ONLY	
Grievance #	<u>2016160882</u>
UGI Recd Date	<u>AUG 01 2016</u>
HQ Recd Date	<u>AUG 03 2016</u>
Date Due	<u>9.10</u>
Grievance Code	<u>002</u>
Investigator ID#	_____
Extension Date	_____

You must attach the completed Step 1 Grievance that has been signed by the Warden for your Step 2 appeal to be accepted. You may not appeal to Step 2 with a Step 1 that has been returned unprocessed.

Give reason for appeal (Be Specific). *I am dissatisfied with the response at Step 1 because...*

Reading the ruling, dated July 12-16, issued by Warden ROBERT STEVENS

in grievance # 2016160882 frightens me. Here is why: The fact that

criminal acts witnessed by so many prisoners and officials - and verified by video-recordings and my medical records - can be covered-up/concealed/suppressed with what is essentially nothing more than a "general denial".

Prisoner should not be sent to MONTFORD, a "medical facility" only to

leave it, a few days later, physically injured and mentally traumatized with Flashbacks, nightmares, constant fear of being again brutalized...

The facts are simple and clear:

- I was injured at MONTFORD during a video-recorded use of force during which the officials violated the following:

BOARD POLICY 03-46 STANDARDS FOR THE USE OF FORCE.

Authority: Texas Government Code 411.148; 492.013; 501.002;

Texas Penal Code 9.32; 9.33; 9.52; 9.53;

NOTE: The proof that the officials violated BOARD POLICY 03-46 is that I was never given a disciplinary case. The officials could not

find any fault with my conduct; Thus, the use of force was illegal.

- I was provided with no medical care at both MONTFORD and ROBERTSON;

- Upon arriving at LYNAUGH, the medical officials diagnosed my injuries.

- In-between MONTFORD and LYNAUGH I was handcuffed in closely supervised busses AND in a strictly, and nearly constantly, monitored single-cell.

Hence: (1). I was clearly afflicted with serious medical conditions;

(2). The officials at both the MONTFORD and the ROBERTSON prisons denied me much-needed medical care to conceal that I had been injured by officials. This was made possible by the officials having also violated: ADMINISTRATIVE DIRECTIVE 03-47 TAKING PHOTOGRAPHS FOLLOWING AN INJURY OR USE OF FORCE INCIDENT.

Authority: Texas Government Code: 493.001; 493.006(b); 494.001; 494.002.

Offender Signature: _____

Date: FRIDAY JULY 29-16

Grievance Response: _____

This issue has been reviewed by The Office of the Inspector General and that office has determined that there is insufficient evidence to warrant opening a case. No further action will be taken.

Signature Authority: C. MARTINEZ

Date: _____

Returned because: *Resubmit this form when corrections are made.

- ☐ 1. Grievable time period has expired.
- ☐ 2. Illegible/Incomprehensible.*
- ☐ 3. Originals not submitted.*
- ☐ 4. Inappropriate/Excessive attachments.*
- ☐ 5. Malicious use of vulgar, indecent, or physically threatening language.
- ☐ 6. Inappropriate.*

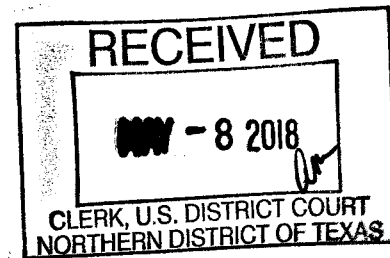
CGO Staff Signature: _____

OFFICE USE ONLY

Initial Submission	CGO Initials: _____
Date UGI Recd: _____	
Date CGO Recd: _____	
(check one) <input type="checkbox"/> Screened <input type="checkbox"/> Improperly Submitted	
Comments: _____	
Date Returned to Offender: _____	
2 nd Submission	CGO Initials: _____
Date UGI Recd: _____	
Date CGO Recd: _____	
(check one) <input type="checkbox"/> Screened <input type="checkbox"/> Improperly Submitted	
Comments: _____	
Date Returned to Offender: _____	
3 rd Submission	CGO Initials: _____
Date UGI Recd: _____	
Date CGO Recd: _____	
(check one) <input type="checkbox"/> Screened <input type="checkbox"/> Improperly Submitted	
Comments: _____	
Date Returned to Offender: _____	

Tuesday May 1st, 2018

Pro Bono Civil Panel
United States District court
Northern District of Texas
1100 Commerce - Room 1452
Dallas, Texas 75242-1003



Dear attorney(s):

My initial communication to the Pro Bono Civil Panel was emailed Sunday April 29, 2018 via epleylegal@gmail.com to email: txndml_probono@txnd.uscourts.gov.

I am sending this thirty-three-page communication (which contains this one-page letter, a copy of my initial two-page email, and copies of the twelve (12) attachments (30 pages of exhibits)) via online certified to verify my initial communication to the Pro Bono Civil Panel.

Please note that the mailing address appearing on this correspondence should not be used in future communications.

Instead, please use my email address epleylegal@gmail.com for immediate and effective communication.

Thank you for your understanding in this matter.

Respectfully yours,

A handwritten signature in black ink, appearing to be "CE" followed by a stylized flourish.

Charles Epley

P.S: Please provide me with the name of the attorney, with the Pro Bono Civil Panel, who is reviewing my requests for assistance presented in my email dated Sunday April 29-2018.

197839-1-1-PRI
Mr. Charles E Epley
PO Box 100729
Arlington, VA 22210-3729

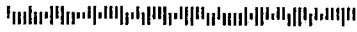
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1*****SGLP 480

Pro Bono Civil Panel
United States District Court
Northern District of Texas
1100 Commerce St Ste 1452
Dallas, TX 75242-1310



SIGNATURE REQUIRED PER DMM 3.1.1



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